

P23870.A01



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Nevin CARR et al.

Group Art Unit: 3611

Appln. No. : 10/611,959

Examiner: D. Yeagley

Filed : July 3, 2003

For : SCOOTER

RESPONSE TO ELECTION REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir :

In response to the Examiner's Election of Species Requirement of May 21, 2004, setting a one month period for response extending until June 21, 2004, Applicants elect, with traverse, the Species III shown in figure 25, for the reasons expressed below. Claims 1-6, 9-15, 18-24, and 28-34 are considered readable on the invention of Species III shown in figure 25. Applicants further elect, with traverse, the invention of Sub-Species IX shown in figure 18, for the reasons expressed below. Claims 9-15, 18-24, and 28-34 are considered readable on the invention of Sub-Species IX shown in figure 18.

Applicants respectfully traverse both of the Election of Species Requirements. Although the Examiner's Official Action appears to accurately identify different embodiments of the claimed invention, Applicants respectfully request that all the claims in

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the instant application be examined, pursuant to the guidelines set forth in MPEP § 803. That is, the Examiner is respectfully requested to reconsider the requirement and find that there would not appear to be a “serious burden” on the Patent and Trademark Office in examining claims directed to the nonelected inventions since the search for the inventions identified by the Examiner would be coextensive or at least significantly overlap. It appears that if the Examiner were to perform a search for the embodiment of Sub-Species IX, there would not be a serious burden in examining the other embodiments, especially since all the claims are directed to at least a driving mechanism for an occupant propelled vehicle.

Because the search of each of the inventions would be coextensive, it would be no serious burden on the Examiner to examine all of the claims in the application. For this reason, and consistent with Office policy as set forth in MPEP § 803, Applicants respectfully request that the Examiner reconsider and withdraw the Election of Species Requirements.

For the foregoing reasons, it is submitted that the Election of Species Requirements in this application are improper and it is respectfully requested that it be reconsidered and withdrawn.

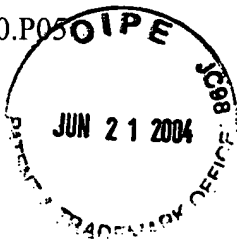
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Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Nevin CARR et al.

 Reg No 47348
Bruce H. Bernstein
Reg. No. 29,027

June 16, 2004
GREENBLUM & BERNSTEIN, P.L.C.
1941 Roland Clarke Place
Reston, VA 20191
(703) 716-1191



GREENBLUM & BERNSTEIN, P.L.C.
 Intellectual Property Causes
 1950 Roland Clarke Place
 Reston, VA 20191
 (703) 716-1191

IFW

Attorney Docket No. P23870

In re application of : Nevin CARR et al

Application No. : 10/611, 959

Filed : July 3, 2003

For : SCOOTER

Mail Stop Amendment

Group Art Unit: 3611

Examiner: D. Yeagley

Mail Stop Amendment

U.S. Patent and Trademark Office

PO Box 1450

Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a **Response Election Requirement** in the above-captioned application.

- ☒ Small Entity Status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a previously filed statement.
- ☐ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.
- ☐ An Information Disclosure Statement, PTO Form 1449, and references cited.
- ☒ No additional fee is required.

The fee has been calculated as shown below:

Claims After Amendment	No. Claims Previously Paid For	Present Extra	Small Entity		Other Than A Small Entity	
			Rate	Fee	Rate	Fee
Total Claims: 39	*39	0	x 9=	\$0.00	x 18=	\$
Indep. Claims: 3	**3	0	x 43=	\$0.00	x 86=	\$
Multiple Dependent Claims Presented			+145=	\$0.00	+290=	\$
Extension Fees for ____ Month(s)				\$0.00		\$
Total:				\$0.00	Total:	\$

* If less than 20, write 20

** If less than 3, write 3

☐ Please charge my Deposit Account No. 19-0089 in the amount of \$_____.☐ A check in the amount of \$_____ to cover the *filing/extension* fee is included.☒ The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-0089.☒ Any additional filing fees required under 37 C.F.R. 1.16.☒ Any patent application processing fees under 37 C.F.R. 1.17, including any required extension of time fees in any concurrent or future reply requiring a petition for extension of time for its timely submission (37 C.F.R. 1.136(a)(3)).

Kinda Hodge Reg No 47348
 Bruce H. Bernstein
 Reg. No. 29, 027